

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

J.Y., a minor child,  
by and through her permanent  
guardian, FREDDIE EDWARDS,

CASE NO.:

Plaintiffs,  
vs.

PARTNERSHIP FOR STRONG  
FAMILIES, INC., a Florida non-profit  
Corporation, FAMILY PRESERVATION SERVICES  
OF FLORIDA, INC., BRITTNEY MOREAU, individually,  
and JUDITH KING, individually,

Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs, J.Y., a minor child, by and through her legal guardian, FREDDIE EDWARDS, sues PARTNERSHIP FOR STRONG FAMILIES, INC. (hereinafter “PARTNERSHIP or PSF”), FAMILY PRESERVATION SERVICES OF FLORIDA, INC., (hereinafter “FPS”) BRITTNEY MOREAU (hereinafter “MOREAU”), individually, and JUDITH KING (hereinafter “KING”)<sup>1</sup>, individually, and in support thereof state as follows:

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<sup>1</sup> Partnership for Strong Families, Inc., Family Preservation Services of Florida, Inc., Brittney Moreau and Judith King will be jointly referred to as “Defendants”.

## **JURISDICTION AND VENUE**

1. This is an action for damages exceeding \$75,000.00, exclusive of attorneys' fees and costs.
2. This action arises under and is brought pursuant to 42 U.S.C. §1983 to remedy the deprivation under color of state law of rights guaranteed by the Fourteenth Amendment to the United States Constitution.
3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1343 because it is brought under 42 U.S.C. §1983 and 28 U.S.C. §1331, as an action brought pursuant to the Constitution and the laws of the United States.
4. This Court has supplemental jurisdiction over Plaintiffs' claims arising under the laws of the State of Florida pursuant to 28 U.S.C. §1367.
5. Venue is proper in this district under 28 U.S.C. §1391(b), because the Plaintiffs' reside in this district and because all of the acts and omissions giving rise to the claims set forth herein occurred in this district.
6. Plaintiffs have complied with any and all conditions precedent necessary for the maintenance of this lawsuit.

## **PARTIES**

7. Plaintiff, J.Y., a minor child, (hereinafter the "Child" or "J.Y.") was born in 2003 and at all times relevant hereto was involuntarily placed in the legal and

physical custody of the Florida Department of Children and Families (hereinafter “Department” or “DCF”) and resided in Alachua County, Florida.

8. Plaintiff, FREDDIE EDWARDS is the duly appointed permanent legal guardian of J.Y., with the minor child having been placed in his permanent custody on September 3, 2015.
9. Defendant PARTNERSHIP FOR STRONG FAMILIES, INC., a Florida non-profit corporation with its principal place of business at 5950 NW 1<sup>st</sup> Place, Suite A, Gainesville, Florida, with operations in Gainesville, Alachua County, Florida, and surrounding counties.
10. At all times material hereto, PSF was the lead agency for community-based care in Alachua, Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Taylor and Union Counties, Florida pursuant to §§409.1671 and/or 409.993, Florida Statutes, and contracted with the Florida Department of Children and Families to provide foster care and related services to children in the custody of the State of Florida, including J.Y.
11. At all times material hereto, PSF was required to comply with all federal laws, Florida Statutes, Florida Administrative Code rules, Department Operating Procedures, PSF Policies and Procedures, and the common law, to ensure the health, welfare, and safety of children in the custody of the State of Florida, including J.Y.

12. At all times material hereto, PSF was an independent contractor of the Department with regard to its duty to operate the system of foster care and related services for children in Alachua, Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Taylor and Union Counties.
13. At all times material hereto, PSF subcontracted out the provision of case management services in Alachua County.
14. At all times material hereto, Defendant, FAMILY PRESERVATION SERVICES OF FLORIDA, INC. was a Florida Corporation operating its business in Alachua County, Florida.
15. At all times material hereto, FPS was an independent contractor of PSF with regard to its duty to provide foster care and related services, including case management services, to foster children in Alachua County.
16. Pursuant to the contractual arrangements between the Defendants, at all times material hereto, PSF and FPS, through their agents and employees, were not acting as officers, employees or agents of the State of Florida for purposes of §768.28, Florida Statutes.
17. At all times material hereto, PSF was required to monitor the performance of FPS regarding the provision of case management services to ensure compliance with all federal laws, Florida Statutes, Florida Administrative Code rules, Department Operating Procedures, PSF Policies and Procedures, FPS Policies

and Procedures, and the common law, to ensure the health, welfare and safety of children in the custody of the State of Florida, including J.Y.

18. At all times material hereto, Defendant JUDITH KING (hereinafter “KING”) was employed by PSF and/or FPS as a case worker, case manager, and/or family care counselor, and was obligated to comply with all federal laws, Florida Statutes, Florida Administrative Code rules, Department Operating Procedures, PSF Policies and Procedures, FPS Policies and Procedures, and common laws, regarding children in the custody of the State of Florida, including J.Y.
19. At all times material hereto, Defendant KING had the duty, the ability, authority and means to ensure that J.Y. was placed in an appropriate secure placement that would keep her safe and free from abuse.
20. At all times material hereto, Defendant BRITTNEY MOREAU (hereinafter “MOREAU”) was employed by PSF and/or FPS as a case worker, case manager, and/or family care counselor, and was obligated to comply with all federal laws, Florida Statutes, Florida Administrative Code rules, Department Operating Procedures, PSF Policies and Procedures, FPS Policies and Procedures, and common laws, regarding children in the custody of the State of Florida, including J.Y.

21. At all times material hereto, Defendant MOREAU had the duty, the ability, authority and means to ensure that J.Y. was placed in an appropriate secure placement that would keep her safe and free from abuse.
22. At all times material hereto, an apparent agency relationship existed between PSF and FPS wherein employees of these agencies, including but not necessarily limited to KING and MOREAU, held themselves out to be employees of PSF and represented that they were employees of PSF through their affirmative actions, which included but were not limited to, utilizing PSF email addresses, signing emails as PSF representatives, signing emails with PSF contact information in their signature block, working out of PSF offices, signing documents as PSF representatives, using PSF letterhead, and informing clients they were PSF employees.
23. At all times material hereto, PSF consented to and authorized FPS employees, including, but not limited to KING and MOREAU, to hold themselves out to be employees of PSF.

### **GENERAL ALLEGATIONS**

#### **J.Y. DEPARTMENT PLACEMENT HISTORY**

24. J.Y.<sup>2</sup> has been in and out of the custody of the Department and the PARTNERSHIP since on or around 2003.

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<sup>2</sup> Pseudonyms are being used to protect the identity of the child.

25. The mother of the Child has abused, neglected, failed to protect and abandoned J.Y.
26. The father of J.Y. has abandoned and failed to protect J.Y. since her birth in 2003 in that he made no significant contribution to the Child's care and maintenance and failed to establish or maintain a substantial and positive relationship with the Child.
27. On or around February 2008, the mother of the Child dropped her off at a first cousin's home, Monica Walker, and left her in her care without providing for the Child's basic necessities nor giving power of attorney to Monica Walker
28. On May 13, 2008, the Child was taken into custody by the Department and sheltered with Monica Walker.
29. In August 2008, Monica Walker, the Child, and Monica Walker's children were asked to move out of the apartment she rented due to the behavior of one of Monica Walker's children at the apartment complex.
30. The Guardian ad Litem had concerns with this living situation because the Child was being placed with a caregiver whose own child was on probation, was on medication, and that because of child's inappropriate behaviors, Monica Walker, her children, and the Child were being evicted from the home.

31. The Child's grandfather, Freddie Edwards., indicated to the family care counselor supervisor, JUDITH KING, that he was very interested in having J.Y. placed with him and his wife.
32. JUDITH KING informed the guardian ad litem that she did not know why J.Y. was not placed with Freddie Edwards in the first place as he was quite involved with his church and that he and his wife owned a five bedroom home in Gainesville.
33. In August 2008, a criminal background check and home study were completed by the Department and the Partnership for the placement of the Child with Freddie Edwards.
34. The home study was denied due to "extenuating circumstances" despite no disqualifying factors set forth in §39.0138 or §435.04, Florida Statutes. The Child remained in the care and custody of Monica Walker;
35. On October 23, 2008, a Judicial Review hearing was held where it was noted that the mother of the Child was not compliant with her Case Plan and was incarcerated, and the father of J.Y., George Young, had been incarcerated in the Broward County Jail for possession of cannabis, resisting arrest without violence, and driving with a suspended license, and had been recently released.
36. The father of J.Y., George Young, was ordered not to have any contact with the Child without further order of the court.



37. The Child was placed in the permanent custody of Monica Walker on October 23, 2008, and protective supervision was terminated on November 14, 2008.
38. During the Child's placement with Monica Walker she was continuously exposed to physical abuse, substance exposure, failure to protect, and domestic violence between Monica Walker and her paramour, Darryl White.
39. During the course of several months, while the Child was in the care and custody of Monica Walker, Darryl White sexually abused J.Y. by fondling her vagina and buttocks.
40. On September 23, 2013, a report to the child abuse hotline was received indicating that J.Y. had a belt mark on her leg and was limping at school as a result of Monica Walker physically abusing her.
41. The Child was removed from Monica Walker's care and custody on October 7, 2013, and was placed with her maternal aunt, Lashay Walker.
42. From the time the Child was born in 2003, up until October of 2013, the father George Young made no significant contribution to the Child's care and maintenance and failed to establish or maintain a substantial and positive relationship with the Child.
43. From the time the Child was removed from the mother's care in 2008, and placed under the protective supervision of the PFS and FPS, the father, George

Young's whereabouts remained unknown by the PFS and FPS, despite diligent searches.

44. On January 23, 2014, the father of J.Y., George Young, appeared at the status conference and reported that the Child had lived with him a short period of time in 2006 and that he had frequent contact with J.Y. recently including an extended weekend visit in his home. Defendants were unaware of these unsupervised visits. George Young expressed a desire to have custody of the Child.
45. PFS, FPS and Defendant BRITTNEY MOREAU recommended at the status conference on January 23, 2014, that George Young have supervised visitation with J.Y. and that MOREAU was to complete an expedited home study on George Young.
46. On April 3, 2014, a Judicial Review hearing was held where it was reported that George Young, the father of J.Y., had ONLY three supervised visitations with J.Y., and that Dr. Mary McCue, the Child's therapist, recommended that George Young have unsupervised visitation with J.Y. as well as attend therapy sessions with J.Y.
47. Defendants, PFS, FPS, KING and MOREAU recommended, among other things, that George Young be granted full reunification with J.Y. upon Dr. McCue's recommendation.

48. Defendants, PFS, FPS, MOREAU and KING did not notify the General Magistrate of George Young's lengthy and violent criminal history which included several arrests and convictions for cocaine possession, aggravated battery with a firearm, shooting into an occupied vehicle, battery, resisting arrest, grand theft, robbery with a deadly weapon, possession of cannabis, felony battery with prior conviction, assault, domestic violence, and that he had been in and out of prison beginning in 1990 through 2011, and that his most recent arrest was in 2012 originating out of Broward County for aggravated battery with a deadly weapon/domestic violence.
49. On April 7, 2014, the General Magistrate filed her Report and Recommendations and Order on Judicial Review/Permanency hearing finding that it was in the best interest of J.Y. to be placed in the temporary custody of her father, George Young, under the protective supervision of the PFS and FPS and in the permanent custody of George Young upon an approved home study.
50. The General Magistrate did not make any findings, whatsoever, of the suitability of J.Y.'s placement with George Young in spite of his lengthy and violent criminal record.
51. The General Magistrate's Report and Recommendations was approved, ratified, confirmed and adopted by a circuit court judge on April 6, 2014.

52. A status conference was held on May 8, 2014, finding that J.Y. would be placed in the custody of her father, George Young, on May 12, 2014, following a completed safety plan by Defendant MOREAU involving other relatives who lived in the home; and the Department recommended that the court terminate protective supervision of J.Y. once she had been placed in the custody of her father, George Young.
53. At no time during the status conference on May 12, 2014, did Defendants advise the General Magistrate of George Young's lengthy and violent criminal history which included, among other things, domestic violence.
54. In her Order of May 9, 2014, the General Magistrate recommended that, among other things, protective supervision for J.Y. be terminated on June 8, 2014.
55. The General Magistrate did not make any findings, whatsoever, of the suitability of J.Y.'s placement with George Young in spite of his lengthy and violent criminal record.
56. The General Magistrate's Report and Recommendations was approved, ratified, confirmed and adopted by a circuit court judge on May 11, 2014.
57. The Defendants never developed a reunification case plan for the father of J.Y. to ensure George Young, who had abandoned the child since her birth,

would have the parenting and other skills necessary to provide J.Y. with a safe, healthy and stable home environment.

58. The Defendants did not provide George Young with any specialized services to address the history, needs and risk factors of a child, such as J.Y., who had been sexually abused.

59. The Defendants failed to advise Dr. Mary McCue of George Young's criminal history prior to her recommending that J.Y. be placed into his custody.

60. The Defendants did not provide for a Safety Management Plan during the reunification process with George Young in order to determine whether his protective capacities were adequate.

61. The Defendants failed to ensure that the father was free from substance use and abuse prior to placement of the Child with George Young.

62. On or about March 2, 2015, it was reported that J.Y.'s father, George Young, raped her and had been doing so since January 2015.

63. On March 4, 2015, J.Y. was sheltered from her father, George Young, and placed with her maternal grandfather, Freddie Edwards.

64. On or about March 10, 2015, J.Y. was forensically interviewed at the Child Advocacy Center where she disclosed that her father, George Young, would drink beer, smoke cannabis, and snort cocaine in her presence and would take her clothes off and have vaginal and anal intercourse with her. J.Y. stated that

it happened more than 10 times starting in October of 2014 through January 2015.

65. George Young was charged with five (5) counts of capital sexual battery, was tried, convicted and sentenced to life in the Department of Corrections.

66. J.Y. was permanently placed with her maternal grandfather, Freddie Edwards on March 4, 2015.

67. Defendant, KING, is a family care counselor/case manager supervisor for FPS and/or PFS and has the authority and responsibility to, among other things:

(a) Supervise the performance and actions of MOREAU, and other family care counselors and/or case managers to ensure the health, safety and well-being of the Child while in state custody;

(b) Continually assess the adequacy and safety of the Child's placement;

(c) Provide Safety Services and Safety Management;

(d) Secure, approve and review all relative and non-relative placements;

(e) To ensure that all criminal, delinquency and abuse/neglect information to the court which shall make the final decision regarding the placement decision when the results of the checks raise concerns about the Child's safety;

(f) Provide all pertinent information to the Child's psychologist, including negative background checks of a natural parent, in order for the psychologist to make an informed decision regarding recommendations to the court for the placement of a child;

68. At all times relevant hereto, KING knew or should have known based on her knowledge of J.Y.'s past sexual and physical abuse, education, experience and professional background that placing J.Y. with her father George Young would place the Child at risk of substantial harm based on George Young's substance use and abuse and violent criminal history.

69. At all times relevant hereto, KING had the duty, the ability, the authority and the means to remove the Child from a placement in which there was a substantial risk of serious harm to the Child, but willfully and with deliberate indifference failed to do so.

**COUNT I – PLAINTIFF, J.Y.'s, 42 U.S.C. §1983**  
**CLAIM AGAINST THE PARTNERSHIP FOR STRONG FAMILIES**

70. Plaintiff, J.Y., re-alleges paragraphs 1-69, of the allegations above as if fully set forth herein.

71. This action arises under and is brought pursuant to 42 U.S.C. §1983 to remedy the deprivation, under color of state law, of J.Y.'s rights guaranteed under the Fourteenth Amendment of the United States Constitution and applicable federal laws.

72. At all times relevant hereto the PARTNERSHIP was a “person” and was acting under color of state law within the meaning of 42 U.S.C. §1983.

73. Pursuant to §409.1671, and 409.993 Florida Statutes, foster care is a public function traditionally within the exclusive prerogative of the State of Florida.

74. At all times relevant, it was clearly established law that children in the physical custody of the State of Florida foster care system, including J.Y., had the Constitutional and federal right to be safe and free from unreasonable risk of harm while in state custody.

75. The PARTNERSHIP violated J.Y.’s Constitutional rights as follows:

(a) As the lead agency responsible for providing foster care and related services, the PARTNERSHIP knew, or should have known, based on its professional judgment and experience working with abused children that child sex-abuse victims, including J.Y., are typically more vulnerable to subsequent victimization.

(b) PFS established and enforced a custom, policy, or practice of failing to appropriately monitor its subcontracted providers and of deliberately failing to learn of dangers that children in its custody were exposed to, including J.Y. while in state custody.



(c) PSF established and enforced a custom, policy, or practice that failed to require appropriate placements for foster children, including J.Y., in accordance with professional judgment.

(d) PSF maintained ultimate responsibility to ensure that children in its care received adequate care and protection from harm and was required to, but failed, to implement policies and procedures to verify the accuracy or ensure the completeness of information provided by case management agencies concerning the welfare of foster children, including J.Y.

(e) PSF established and maintained an unconstitutional system of care that resulted in the harm to foster children, including J.Y., because it abdicated its constitutional and statutory duties to ensure that each child in its care was free from harm by delegating all case management responsibility to its subcontractors with no direct supervision or any other case involvement that would be necessary to meeting its constitutional and statutory duties. PSF's abdication of its duties resulted in creating a child welfare system that permitted case managers to operate unchecked, unsupervised and blatantly ignored and/or deliberately failed to learn of the dangers of placing J.Y. with her father, George Young.

76. PSF took the actions described herein knowing it was exposing J.Y. to a substantial risk of harm.

77. At all times material hereto, PSF was deliberately indifferent to the safety and welfare of J.Y. and that J.Y. was exposed to a substantial risk of harm.
78. PSF violated J.Y.'s fundamental constitutional right of physical safety subjecting her to a heightened risk of danger.
79. PSF's actions and failures to act were done with knowledge that said actions would deprive J.Y. of her constitutional rights to be free from harm.
80. Despite possessing the authority and means to remedy the unconstitutional treatment of J.Y., and to seek and secure a safe, stable and secure placement, PFS was deliberately indifferent and/or reckless in failing to consider other relative placements more suitable in order to ensure that J.Y. was not harmed and was in a safe environment.
81. The PSF's deliberate indifference and/or recklessness was a substantial factor, and a direct and proximate cause of J.Y.'s suffering physical harm, psychological harm and trauma, pain and suffering and other reasonably foreseeable damages.
82. Deprivation of J.Y.'s constitutional rights were continuous until she was removed from the dependency of her father, George Young, on March 4, 2015.
83. J.Y., through FREDDIE EDWARDS, has retained the undersigned attorneys and is obligated for payment of their attorney's fees and costs, and is entitled to

recover reasonable attorney's fees and costs pursuant to the provisions of 42 U.S.C. §1988.

WHEREFORE, J.Y. prays this Honorable Court enter a judgment in favor of J.Y. and against the PARTNERSHIP FOR STRONG FAMILIES, INC. and for all recoverable damages, attorney's fees and costs, and all such other lawful damages and relief as the Court may deem appropriate and proper.

**COUNT II – PLAINTIFF, J.Y.'s, 42 U.S.C. §1983 CLAIM AGAINST  
FAMILY PRESERVATION SERVICES OF FLORIDA, INC.**

84. Plaintiff, J.Y., re-alleges paragraphs 1-69, of the allegations above as if fully set forth herein.

85. This action arises under and is brought pursuant to 42 U.S.C. §1983 to remedy the deprivation, under color of state law, of J.Y.'s guaranteed constitutional rights under the Fourteenth Amendment of the United States Constitution and applicable federal laws.

86. At all times material hereto, FPS was a "person" and was acting under the color of state law within the meaning of 42 U.S.C. §1983.

87. At all times material hereto, pursuant to §§409.1671 and 409.993, Florida Statutes, foster care is a public function traditionally within the exclusive prerogative of the State of Florida.

88. At all times material hereto, it was clearly established law that children in the physical custody of the State of Florida foster care system, including J.Y., had the constitutionally protected rights to be safe and free from unreasonable harm while in state custody.

89. FPS violated J.Y.'s Constitutional rights as follows by:

(a) Failing to make face to face visits with J.Y. at least every 30 days to ensure her safety and needs were being met;

(b) Failing to conduct criminal background investigations on all persons residing in the father, George Young's, household;

(c) Failing to develop a reunification case plan to ensure that J.Y.'s placement with George Young was in her best interest and that she would be safe and free from harm;

(d) Failing to provide supervision of the Child with her father, George Young, for at least six (6) months post placement;

(e) By failing to perform its affirmative duty to inform the court of George Young's lengthy and violent criminal history prior to making a recommendation that J.Y. be placed with her father pursuant to 65C-28.011(7)(b)2, F.A.C.

(f) By failing to perform its affirmative duty to inform J.Y.'s therapist, Dr. Mary McCue, of George Young's lengthy and violent criminal history so that

she could make an informed decision in recommending placement of the child with her father;

(g) By failing to implement a safety plan or plan of care to ensure that the Child was safe and appropriately cared for while in the care and custody of the father;

(h) By expediting, for unknown reasons, the placement of the Child with George Young, despite his lengthy criminal history, substance use and abuse, previous abandonment of the Child and, shockingly, recommended full reunification after George Young had only been in the Child's life for less than four (4) months;

(i) By establishing and enforcing a custom, policy, or practice that failed to require appropriate placements for foster children, including J.Y., in accordance with professional judgment, Florida Statutes, Florida Administrative Code rules, FPS Operating Procedures, and PSF Operating Procedures.

90. FPS took the actions described herein knowing it was exposing J.Y. to a substantial risk of harm.

91. At all times material hereto, FPS was deliberately indifferent to the safety and welfare of J.Y. and that J.Y. was exposed to a substantial risk of harm.

92. FPS violated J.Y.'s fundamental constitutional right of physical safety subjecting her to a heightened risk of danger.

93. FPS's actions and failures to act were done with knowledge that said actions would deprive J.Y. of her constitutional rights to be free from harm.
94. Despite possessing the authority and means to remedy the unconstitutional treatment of J.Y., and to seek and secure a safe, stable and secure placement, FPS was deliberately indifferent and/or reckless in failing to consider other relative placements more suitable to ensure that J.Y. was not harmed.
95. The FPS's deliberate indifference and/or recklessness was a substantial factor, and a direct and proximate cause of J.Y.'s suffering physical harm, psychological harm and trauma, pain and suffering and other reasonably foreseeable damages.
96. Deprivation of J.Y.'s constitutional rights were continuous until she was removed from the dependency of her father, George Young, on March 4, 2015.
97. J.Y., through FREDDIE EDWARDS, has retained the undersigned attorneys and is obligated for payment of their attorney's fees and costs, and is entitled to recover reasonable attorney's fees and costs pursuant to the provisions of 42 U.S.C. § 1988.

WHEREFORE, J.Y. prays this Honorable Court enter a judgment in favor of J.Y. and against the FAMILY PRESERVATION SERVICES OF FLORIDA, INC. and for all recoverable damages, attorney's fees and costs, and all such other lawful damages and relief as the Court may deem appropriate and proper.

**COUNT III – PLAINTIFF, J.Y.’s, 42 U.S.C. §1983 CLAIM AGAINST  
BRITTNEY MOREAU, INDIVIDUALLY**

98. Plaintiff, J.Y., re-alleges paragraphs 1-69, of the allegations above as if fully set forth herein.
99. This action arises under and is brought pursuant to 42 U.S.C. §1983 to remedy the deprivation, under color of state law, of the constitutional rights guaranteed by the Fourteenth Amendment of the United States Constitution.
100. At all times material hereto, Defendant MOREAU, as a case worker, case manager, and/or family care counselor performing foster care and related services, was acting under color of state law.
101. At all times material hereto, pursuant to §§409.1671 and 409.993, Florida Statutes, foster care is a public function traditionally within the exclusive prerogative of the State of Florida.
102. At all times material hereto, Defendant MOREAU was deliberately indifferent to the safety and welfare of J.Y. and that J.Y. was exposed to a substantial risk of harm.
103. Defendant MOREAU violated J.Y.’s fundamental constitutional right of physical safety subjecting her to a heightened risk of harm.
104. At all times relevant, it was clearly established law that children in the physical custody of the State of Florida foster care system had the

Constitutional and federal right to be safe and free from unreasonable risk of harm.

105. At all times relevant hereto Defendant MOREAU was deliberately indifferent to the safety and welfare of the Child and knew that the Child was exposed to a substantial risk of serious harm.

106. Defendant, MOREAU, is a family care counselor/case manager for FPS and/or PFS and has the authority and responsibility to, among other things:

- (a) Ensure the health, safety and well-being of the Child while in state custody;
- (b) Continually assess the adequacy and safety of the Child's placement;
- (c) Provide Safety Services and Safety Management;
- (d) Secure, approve and review all relative and non-relative placements;
- (e) Provide all criminal, delinquency and abuse/neglect information to the court which shall make the final decision regarding the placement decision when the results of the checks raise concerns about the child's safety;
- (f) Provide all pertinent information to the Child's psychologist, Dr. Mary McCue, including negative background checks of a natural parent, in order for the psychologist to make an informed decision regarding recommendations to the court for the placement of the Child;



107. At all times relevant hereto, MOREAU knew or should have known based on her knowledge, education, experience and professional background that placing J.Y. with her father, George Young, would place the Child at risk of substantial harm based on George Young's substance use and abuse and violent criminal history and of J.Y.'s past sexual and physical abuse,.

108. At all times relevant hereto, MOREAU had the duty, the ability, authority, and the means to remove J.Y. from a placement in which there was a substantial risk of harm to the Child, but willfully and with deliberate indifference failed to do so.

109. As a family care counselor, Defendant, BRITTNEY MOREAU violated J.Y.'s Constitutional rights as follows, by:

(a) Failing to make face to face visits with J.Y. at least every 30 days to ensure her safety and needs were being met while in the care and custody of her father;

(b) Failing to conduct criminal background investigations on all persons residing in the father's household;

(c) Failing to develop a reunification case plan to ensure that J.Y.'s placement with George Young was in her best interest and that she would be safe and free from harm;

(d) Failing to provide supervision of the Child with her father, George Young, for at least six (6) months post placement;

(e) Failing to perform an affirmative duty to inform the court of George Young's lengthy and violent criminal history prior to making a recommendation that J.Y. be placed with her father pursuant to 65C-28.011(7)(b)2, F.A.C.;

(f) Failing to perform an affirmative duty to inform J.Y.'s therapist, Dr. Mary McCue, of George Young's lengthy and violent criminal history so that she could make an informed decision in recommending placement of the child with her father;

(g) Failing to implement a safety plan or plan of care to ensure that the Child was safe and appropriately cared for while in the custody of her father, George Young; and

(h) By expediting, for unknown reasons, the placement of the Child with George Young, despite his lengthy criminal history, substance use and abuse, previous abandonment of the Child and, shockingly, recommended full reunification after only being in the Child's life for less than four (4) months.

110. By virtue of MOREAU's employment at FPS, together with her experience, background and professional knowledge, she knew, or should have known, that child sex-abuse victims are typically more vulnerable to subsequent victimization.

111. Defendant MOREAU's actions and failures were done with knowledge that said actions would deprive J.Y. of her constitutional rights to be free from harm.

112. At all times material hereto, it was clearly established law that J.Y. was in the physical and legal custody of the State of Florida, the Department, and PFS and had the constitutional right to be free from unreasonable risk of harm.

113. Despite possessing the authority and means to remedy the unconstitutional treatment of J.Y., MOREAU was deliberately indifferent and/or reckless in failing to consider other relative placements more suitable in order to ensure that J.Y. was not harmed and was in a safe environment.

114. MOREAU's deliberate indifference and/or recklessness was a substantial factor, and a direct and proximate cause of J.Y.'s suffering physical harm, psychological harm and trauma, pain and suffering and other reasonably foreseeable damages.

115. Deprivation of J.Y.'s constitutional rights were continuous until she was removed from the dependency of her father, George Young, on March 4, 2015.

116. J.Y., through FREDDIE EDWARDS, has retained the undersigned attorneys and is obligated for payment of their attorney's fees and costs, and are entitled to recover reasonable attorney's fees and costs pursuant to the provisions of 42 U.S.C. § 1988.

WHEREFORE, J.Y. prays this Honorable Court enter a judgment in favor of J.Y. and against BRITTNEY MOREAU, individually, and for all recoverable damages, attorney's fees and costs, and all such other lawful damages and relief as the Court may deem appropriate and proper.

**COUNT IV– PLAINTIFF, J.Y.'s, 42 U.S.C. §1983**  
**CLAIM AGAINST DEFENDANT JUDITH KING INDIVIDUALLY**

117. Plaintiff, J.Y., re-alleges paragraphs 1-69, of the allegations above as if fully set forth herein.

118. This action arises under and is brought pursuant to 42 U.S.C. §1983 to remedy the deprivation, under color of state law, of constitutional rights guaranteed by the Fourteenth Amendment of the United States Constitution.

119. At all times material hereto, Defendant KING as a case worker, case manager, and/or family care counselor performing foster care and related services, was acting under color of state law.

120. At all times material hereto, pursuant to §§409.1671 and 409.993, Florida Statutes, foster care is a public function traditionally within the exclusive prerogative of the State of Florida.

121. At all times material hereto, Defendant KING was deliberately indifferent to the safety and welfare of J.Y. and that J.Y. was exposed to a substantial risk of harm.

122. Defendant KING violated J.Y.'s fundamental constitutional right of physical safety subjecting her to a heightened risk of harm.

123. At all times relevant, it was clearly established law that children in the physical custody of the State of Florida foster care system had the Constitutional and federal right to be safe and free from unreasonable risk of harm.

124. At all times relevant hereto Defendant KING was deliberately indifferent to the safety and welfare of the Child and knew that the Child was exposed to a substantial risk of serious harm.

125. Defendant, KING, is a family care counselor/case manager supervisor for FPS and/or PFS and has the authority and responsibility to, among other things:

- (a) Ensure the health, safety and well-being of the Child while in state custody;
- (b) Continually assess the adequacy and safety of the Child's placement;
- (c) Provide Safety Services and Safety Management;
- (d) Secure, approve and review all relative and non-relative placements;
- (e) Provide all criminal, delinquency and abuse/neglect information to the court which shall make the final decision regarding the placement decision when the results of the checks raise concerns about the child's safety;

(f) Provide all pertinent information to the Child's psychologist, Dr. Mary McCue, including negative background checks of a natural parent, in order for the psychologist to make an informed decision regarding recommendations to the court for the placement of the Child;

126. At all times relevant hereto, KING knew or should have known based on her knowledge, education, experience and professional background that placing J.Y. with her father, George Young, would place the Child at risk of substantial harm based on George Young's substance use and abuse and violent criminal history and of J.Y.'s past sexual and physical abuse,.

127. At all times relevant hereto, KING had the duty, the ability, authority, and the means to remove J.Y. from a placement in which there was a substantial risk of harm to the Child, but willfully and with deliberate indifference failed to do so.

128. As a family care supervisor Defendant KING violated J.Y.'s Constitutional rights as follows by:

(a) Failing to properly supervise and ensure there were face to face visits with J.Y. at least every 30 days to ensure her safety and needs were being met;

(b) Failing to properly supervise and ensure that criminal background investigations were conducted on all persons residing in the father, George Young's, household;

(c) Failing to properly supervise and ensure a reunification case plan was developed to make certain that J.Y.'s placement with George Young was in her best interest;

(d) Failing to properly supervise and ensure that supervision of the Child with her father, George Young, was provided for at least six (6) months post placement;

(e) Failing to perform her affirmative duty to inform the court of George Young's lengthy and violent criminal history prior to making a recommendation that J.Y. be placed with her father pursuant to 65C-28.011(7)(b)2, F.A.C.;

(f) Failing to perform her affirmative duty to inform J.Y.'s therapist, Dr. Mary McCue, of George Young's lengthy and violent criminal history so that she could make an informed decision in recommending placement of the child with her father;

(g) Failing to implement a safety plan or plan of care to ensure that the Child was safe and appropriately cared for while in the custody of George Young;

(h) Expediting, for unknown reasons, the placement of the Child with George Young, despite his lengthy criminal history, substance use and abuse, previous abandonment of the Child and, shockingly, recommended full reunification after George Young had only been in the Child's life for less than four (4) months;

129. By virtue of KING's employment at FPS, together with her experience, background and professional knowledge, she knew or should have known, that child sex-abuse victims are typically more vulnerable to subsequent victimization.

130. Despite possessing the authority and means to remedy the unconstitutional treatment of J.Y., KING was deliberately indifferent and/or reckless in failing to consider other relative placements more suitable in order to ensure that J.Y. was not harmed and was in a safe environment.

131. KING's deliberate indifference and/or recklessness was a substantial factor, and a direct and proximate cause of J.Y.'s suffering physical harm, psychological harm and trauma, pain and suffering and other reasonably foreseeable damages.

132. Deprivation of J.Y.'s constitutional rights were continuous until she was removed from the dependency of her father, George Young, on March 4, 2015.

133. J.Y., through FREDDIE EDWARDS, has retained the undersigned attorneys and is obligated for payment of their attorney's fees and costs, and is entitled to recover reasonable attorney's fees and costs pursuant to the provisions of 42 U.S.C. § 1988.



WHEREFORE, J.Y. prays this Honorable Court enter a judgment in favor of J.Y. and against JUDITH KING, individually, and for all recoverable damages, attorney's fees and costs, and all such other lawful damages and relief as the Court may deem appropriate and proper.

**COUNT V – PLAINTIFF, J.Y.'s NEGLIGENCE CLAIM AGAINST  
PARTNERSHIP FOR STRONG FAMILIES, INC. AND FAMILY  
PRESERVATION SERVICES OF FLORIDA, INC.**

134. J.Y., re-alleges the allegations of paragraphs 1-69 of the allegations above as if fully set forth herein.

135. At all times material hereto, PFS and FPS was a “person” and was acting under the color of state law within the meaning of 42 U.S.C. §1983.

136. At all times material hereto, pursuant to §§409.1671 and 409.993, Florida Statutes, foster care is a public function traditionally within the exclusive prerogative of the State of Florida.

137. At all times material hereto, it was clearly established law that children in the physical custody of the state foster care system, including J.Y., had the constitutionally protected right to be safe and free from unreasonable risk of harm.

138. PSF and FPS established and enforced a custom, policy or practice that failed to require appropriate placements for foster children in accordance with professional judgment.

139. PSF and FPS did not provide services or placements to J.Y., who was in the physical and legal custody of PSF, FPS and the Department, in accordance with professional judgment, and was deliberately indifferent and/or acted with reckless disregard to J.Y.'s health, safety and welfare and Constitutional and federal rights including, without limitation by failing to:

(a) Use reasonable care in the supervision and oversight of J.Y. to ensure her health, welfare, and safety needs were met, including as expressly contemplated, affirmed and delineated in Chapter 39, Florida Statutes, the Florida Administrative Code and other written policies and procedures issued by DCF and PSF and FPS;

(b) Ensure J.Y.'s individual dignity, liberty, pursuit of happiness, and the protection of her federally guaranteed civil and other legal rights pursuant to §39.4085(2), Florida Statutes;

(c) Ensure that personnel providing services to J.Y. be sufficiently qualified, experienced and diligent to meet her needs while she was in State custody pursuant to §39.4085(4), Florida Statutes; and

(d) Take all necessary steps to effect the removal of J.Y. from the father, George Young's, home based on the risks to her safety known to and/or recklessly disregarded by PSF, FPS and its personnel;

(e) To develop a reunification case plan to ensure that J.Y.'s placement with George Young was in her best interest;

(f) Perform its affirmative duty to inform the court of George Young's lengthy and violent criminal history prior to making a recommendation that J.Y. be placed with her father pursuant to 65C-28.011(7)(b)2, F.A.C.

(g) Perform its affirmative duty to inform J.Y.'s therapist, Dr. Mary McCue, of George Young's lengthy and violent criminal history so that she could make an informed decision in recommending placement of the child with her father;

140. PSF and FPS knew, or should have known, that child sex-abuse victims are typically more vulnerable to subsequent victimization.

141. Despite possessing the authority and means to remedy the unconstitutional treatment of J.Y., PSF and FPS were deliberately indifferent and/or reckless in failing to take actions to ensure that J.Y.'s reunification and permanent placement with her father, George Young, was in the Child's best interest.

142. As a direct and proximate cause of the aforementioned breaches, J.Y. was sexually abused by not receiving adequate supervision and services to address her safety needs while in the care and custody of her father, George Young.

143. PSF and FPS, through the exercise of reasonable care in the performance of their duties, knew or should have known that its conduct as alleged above, would cause, or was likely to cause, significant damages to J.Y.

144. Deprivation of J.Y.'s constitutional rights were continuous until she was removed from the dependency of her father, George Young, on March 4, 2015.

145. Such acts were a direct and proximate cause of J.Y.'s suffering physical harm, medical harm, psychological harm and trauma, pain and suffering, deterioration and other reasonably foreseeable damages. These losses are either permanent or continuing in nature and J.Y. will suffer such losses in the future.

WHEREFORE, Plaintiff, J.Y., a minor child, by and through her permanent guardian, FREDDIE EDWARDS, demands judgment against the PARTNERSHIP FOR STRONG FAMILIES, INC. and FAMILY PRESERVATION SERVICES OF FLORIDA, INC. for damages, taxable costs, and requests a jury trial for all matters herein.

**DEMAND FOR JURY TRIAL**

The Plaintiff demands a jury trial on all issues so triable in all counts pursuant to Rule 38 Fed. R. Civ. P. and Rule 1.430 Fla. R. Civ. P.

Dated this 17th day of December 2018.

**ROBERT A. RUSH, P.A.**

/s/ Robert A. Rush

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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) \_\_\_\_\_

**DEFENDANTS**

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.